UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,960	05/01/2001	Hideo Takiguchi	862.1336 D1	5111

5514 7590 08/22/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
NGUYEN, PHU K	

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/845,960	TAKIGUCHI ET AL.	
	Examiner	Art Unit	
	Phu K. Nguyen	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *126-147* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *126-147* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/573,519.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Phu Nguyen

PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 126-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlin et al. and further in view of Mackinlay et al.

Claim 126 requires a hierarchical data display method of displaying hierarchically managed data items, comprising the steps of: setting in a background indicating a hierarchical level, a first area in which data item(s) belonging to a parent hierarchical level is displayed and a second area in which data item(s) belonging to a child hierarchical level is displayed, so that the first and second areas are displayed exclusively and without overlapping each other in a display area of every hierarchical level; and controlling a display of data icons respectively representing the data items in each of the areas. Perlin et al. Teach the setting in a background indicating a hierarchical level as the Pad information plane, as explained in the abstract', a first area in which data item(s) belonging to a parent hierarchical level, being the screen, as

explained at section 1.2 at page 57., and a second area in which data items belonging to a child hierarchical level is displayed, corresponding to Perlin's portals, at page 57 section 1 .2, in a display area of every hierarchical level, at the abstract, and at page 59 figure 1; and controlling the representations, at pages 57-58. Perlin et al. further teach hierarchical relationships between the various areas or portals at least at page 57 section 1 Introduction, at page 61 section 3.2 Display Items, at page 62 section 5.3, Hierarchical Text Editor where the PAD system is characterized as a hierarchical domain, at page 63 sections 5.5 Multiple Narrative Paths and 5.6 Cooperative Pad Applications.

While Perlin et al. teach most claimed features as outlined above, it is noted that the first and second areas are displayed exclusively and without overlapping each other, and data icons representing data items is not explicitly taught. However, Mackinlay et al. teaches these features at figure 3. It would have been obvious to one of ordinary skill in the ad to combine the references because, as Mackinlay et al. explain at figure 3, 'SA spiral layout combines detail and context in an intuitive 3D layout that allows the connection among calendars to be visible."

Claims 136, 146 and 147 are rejected under the same rationale applied to the rejection of claim 126.

Claims 135 and 145 require a size of each data icon is determined corresponding to the number of the data items. Perlin et al. Teach this at figures 2-4.

Claims 127 and 137 require said sizes of said division areas are determined on the basis of the number of data items belonging to one level and the number of data items belonging to child levels. This can be seen at figures 2-4 at Perlin et al. Note in figure 3 that 1992 level has a size according to the number of months (child levels) that it contains', and the child levels have a size according to the month identifiers which they contain.

Claims 128 and 138 require when there are a plurality of child levels, a display area for each child level is determined according to the number of data items belonging to levels subordinate to said child level. Perlin et al. Teach this at figures 2-4.

Claims 129, and 139 require said child levels are displayed in a background expressing a parent level, and said background is selected and displayed so that a hierarchical depth can be distinguished. Perlin et al. Teach this at figures 2-4 and at the abstract.

Claims 130 and 140 require as said hierarchical depth increases, said background is displayed in a deeper color.

This is inherent regarding any color because, by definition, a deeper hierarchical depth will be associated with some color, the color being deeper by virtue of being at a deeper hierarchical depth.

Claims 133 and 143 require a step of zooming in a desired level by performing a given operation after designating a display area for said desired level; zooming out a level zoomed by performing said given operation so as to display a parent level; zooming in a desired level by performing a given operation, wherein when a zoom out is instructed in the desired level, the display of items are controlled so that data items belonging to parent levels) of the desired level are displayed', wherein when said zoom-in means is selected, said zoom direction is a direction toward a deeper position in a hierarchy, and when said zoom-out means is selected, said zoom direction is a direction toward a shallower position in said hierarchy', wherein a level or data icon is zoomed in, panned, or zoomed out by varying said icon display size and data icon display position. Perlin et al. Teach these features as semantic zooming and navigating using portals, at the whole article.

Claims 132 and 142 require displaying the detailed contents of a desired level by performing a given operation after designating a display area for said desired level; and zooming in a desired level by performing a given operation, wherein when a zoom up is instructed in the desired level, the detailed contents of the desired level are displayed. Perlin et al. Teaches this at figures 2-4.

Claims 134 and 144 require judging whether a remaining area is left in which the first and second areas have not been set, wherein the first and second areas are set in the remaining area when the remaining area is left. Perlin et al. Teach this at pages 57-58 at section 1 .2. Perlin et al. teach the features of claims 131 and 141 at figs. 3 and 4.

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed June 5, 2006 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Perlin's zooming is not seen disclose a hierarchical levels which is not correct. Perlin's zooming allows the data to be displayed in different details according to their zooming levels. For example, in a high or parent level, Perlin's document is showed only with its title, but as the document is zoomed in, in a lower or child level, the details is added in, such as abstract, and/or short/full text descriptions (Perlin, page 62, column 2, section 5.3, second paragraph). It is clearly a hierarchical relationship between documents in Perlin reference, and Perlin emphatically names its "Hierarchical Text Editor." In the rejection, Examiner admits that Perlin does not teach "a first area in which data item(s) belonging to a parent hierarchical level is displayed and a second area in which data item(s) belonging to a child hierarchical level is displayed, so that the first and second areas are displayed exclusively and without

overlapping each other in a display area of every hierarchical level;" and uses MacKinlay to shows this feature.

Applicant argues that "Mackinlay is not seen to disclose or to suggest setting in a background indicating a hierarchical level, a first area in which data item(s) belonging to a parent hierarchical level is displayed and a second area in which data item(s) belonging to a child hierarchical level is displayed, so that the first and second areas are displayed exclusively and without overlapping each other in a display area of every hierarchical level" which is not correct. In page 111, figure 3, MacKinlay shows "in a back ground, a hierarchical level" of data for a Spiral Calendar in which the data items are set up according to a hierarchical levels of year, month, week, day. Furthermore, in figure 3, different levels of years, months, weeks, days are exclusively displayed without overlapping each other in the display area of every level.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Phu K. Nguyen
August 10, 2006